

REMARKS

Reconsideration is requested.

Suspension of Action for three (3) months is requested and a Petition for the same and related fee are attached with the attached RCE.

The Examiner is requested to return an initialed copy of the PTO-1449 Form filed June 14, 2004, pursuant to MPEP § 609 as copies of the references were filed and received by the Patent Office on June 14, 2004. A copy of the undersigned's postcard receipt indicating receipt of the two (2) cited documents in the Patent Office on June 14, 2004, was filed September 21, 2004.

Moreover, a copy of the Patent Office PAIR Image File Wrapper Index which confirms receipt of a "foreign reference" on June 14, 2004 was filed September 24, 2004. The indicated "foreign reference" is indicated as being 97 pages. The undersigned has reviewed this "foreign reference" and found that the Patent Office has scanned both documents filed June 14, 2004, as a single document. The first page of each of the cited documents which were previously supplied to the Patent Office and are available to the Examiner under "foreign reference" received in the Patent Office on June 14, 2004, was filed September 24, 2004. Specifically, the first page of WO 96/06355 and the first page of WO 91/15575, each listed on the PTO-1449 Form filed June 14, 2004, were attached for the Examiner's reference to the applicants Request of September 21, 2004. The Examiner is requested to return an initialed copy of the PTO-1449 Form filed June 14, 2004, pursuant to MPEP § 609, as nothing further is believed to be required.

The Examiner is also requested to acknowledge acceptance of the formal drawings or provide a specific objection or rejection of the same.

Claims 36-49 and 62-79 are pending. Claims 1-35 and 50-61 have been canceled, without prejudice. Claims 42, 43, 79, 89, 103 and 105-110 have been withdrawn from consideration. Claims 36-41, 44-49, 62-78, 80-88, 90-102, 104 and 108-110 are under active consideration.

The Section 112, first paragraph, rejection of Claims 44-49 and 83-86 is traversed. Reconsideration and withdrawal of the rejection are requested as the applicants believe that one of ordinary skill in the art will appreciate from a review of the entirety of the specification that the claims are supported by an adequate written description.

The applicants again submit that the specification describes in Figure 1, for example, the amino acid sequence of several HCV NS3 clones. Moreover, the specification is submitted to define isolate-specific amino acids. The applicants believe that one of ordinary skill will appreciate that this description, and the whole of the disclosure, adequately describes the presently claimed invention. The claimed invention has been exemplified with a specific isolate. One of ordinary skill in the present art would not require such exemplification of each epitope of the claims to establish that the applicants were "in possession" of the claimed invention at the time the application was filed. One of ordinary skill would believe that one or perhaps two exemplifications would be sufficient to support the claimed invention.

The Section 103 rejection of Claims 36-38, 40, 41, 62-76, 81, 87 and 88 over Seidel (U.S. Patent No. 6,036,579) and Harlow (Antibodies: A Laboratory Manual), is

traversed. The Section 103 rejection of Claims 39, 44-49, 80 and 82-86 Seidel, Harlow and Leroux-Roels (WO 95/12677), is traversed. The Section 103 rejection of claims 77, 78, 104 and 108-110 over Seidel, Harlow and Icardi (J. Clinical Microbiology, September 1997, pp 2331-2336 (Vol. 35, No. 9)), is traversed.

Reconsideration and withdrawal of the Section 103 rejections are requested as none of the cited art, alone or in combination, teach or suggest the use of a method of sulphonation and desulphonation to prepare products of the presently claimed invention, which the applicants believe provides an improved biological activity and/or conformation closer to the native protein in reactivity than products produced by methods of the cited art. The process of the recited product claims are submitted to produce a product different from the Examiner's combination of cited art. Moreover, the applicants submit that there was no motivation in the art to combine the cited art in a manner advanced by the Examiner.

In the event any of the above-noted rejections are maintained, the Examiner is requested to clarify the suggestion that the product of the cited art is allegedly the same as the presently claimed invention. See, page 5 of the Office Action dated September 9, 2004. Specifically, the applicants wish to confirm that the rejections are being made under Section 103 as opposed to Section 102.

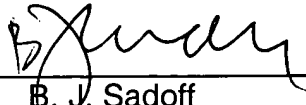
The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

MAERTENS et al
Appl. No. 09/686,964
February 9, 2005

Respectfully submitted,

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By: _____


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